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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARPENTER TECHNOLOGY  
CORP.,

Plaintiff

v.

ALLEGHENY TECHNOLOGIES,  
INC., et al.,

Defendants

CIVIL ACTION

NO. 08-2907

ORDER

STENGEL, J.

FILED  
JUL 16 2009  
MICHAEL E. KUNZ, Clerk  
By [Signature] Dep. Clerk

AND NOW, this 15<sup>th</sup> day of July, 2009, upon consideration of the defendants' Motion to Dismiss (Document #33) and the plaintiff's response thereto, it is hereby ORDERED that the motion is GRANTED IN PART and DENIED IN PART, as follows:

1. The motion to dismiss Count VII for failure to plead a relevant market is GRANTED, and the count is DISMISSED WITHOUT PREJUDICE. The plaintiff shall have fourteen (14) days from the date of this Order to amend its pleadings with respect to the definition of the relevant market;
2. The motion to dismiss the conspiracy to monopolize claim contained in Count VII is GRANTED, and the claim is DISMISSED;
3. The motion to dismiss the attempted monopolization claim contained in Count VII is DENIED;

4. The motion to dismiss Count VIII is DENIED.

BY THE COURT:

  
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LAWRENCE F. STENGEL, J.

ENTERED  
JUL 16 2009  
CLERK OF COURT